

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

KURT ORBAN PARTNERS, LLC,

Plaintiff,

v.

PANYU CHU KONG STEEL PIPE CO.
LTD,

Defendant.

Case No. 13-cv-04337 NC

ORDER REGARDING DISMISSAL

Re: Dkt. No. 13

The Court responds to the Notice of Voluntary Dismissal and Proposed Order filed May 5, 2014, at docket entry 13. The Notice of Request for Voluntary Dismissal seeks a court order dismissing the action with prejudice. Federal Rule of Civil Procedure 41(a) permits voluntary dismissal of an action without court order when the defendant has not answered the complaint or moved for summary judgment. Fed. R. Civ. P. 41(a)(1)(A). The defendant here has not answered the complaint or moved for summary judgment, so an order of the Court is not required for plaintiff to dismiss its case. Even were it necessary, the Court cannot enter a dismissal or judgment because defendant has not consented or declined the jurisdiction of a magistrate judge under 28 U.S.C. § 636(c).

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1 Accordingly, if plaintiff wishes to dismiss its case, plaintiff must file a voluntary
2 dismissal under Rule 41(a)(1), within fourteen days of this order, which must not include a
3 proposed Court order approving the dismissal.

4 IT IS SO ORDERED.

5 Date: May 5, 2014



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7 Nathanael M. Cousins
United States Magistrate Judge